

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHARLES CALVIN MOORE #209229,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 08-0533-KD-M
WARDEN JERRY FERRELL,	:	
Defendant.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised and a *de novo* determination of those portions of the Recommendation to which objection is made, Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 11, 2009, is **ADOPTED** as the opinion of this Court. In so doing, the Court finds that Plaintiff's appeal is frivolous and not taken in good faith. Accordingly, it is **ORDERED** that Plaintiff's Complaint be and is hereby **DISMISSED** with prejudice.

DONE and ORDERED this the **21st** day of **August 2009**.

/s/ Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE